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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/030,377  | 10/26/2001  | Yair Oren            | 20568-69181         | 8715             |
| 46363   | 7590        | 01/26/2006           | EXAMINER            |                  |
| PATTERSON & SHERIDAN, LLP/<br>LUCENT TECHNOLOGIES, INC<br>595 SHREWSBURY AVENUE<br>SHREWSBURY, NJ 07702 |             |                      | ROBERTS, BRIAN S    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2662                |                  |

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

### Period for Reply

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

- Claims 1-2 and 5-7 have been amended.
- Claims 3 and 4 have been cancelled.
- Claims 8 and 9 have been added.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 6

Claim 6 recites the limitation "any value of the pointer field other than zero constitutes a valid index into the groups table". The claim is indefinite because any value of the pointer field other than zero allows for the groups table to be of an infinite size. The size of groups table and range of valid values for the pointer field must be finite.

- In reference to claim 7

Claim 7 recites the limitation "a lookup table entry". There is insufficient antecedent basis for this limitation in the claim because neither claim 7 nor the parent claims introduce "a lookup table".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5, and 8-9 rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (US 6301254)

- In reference to claim 1

Chan et al. teaches a virtual path ring protection system and method that includes:

- In Figure 4, a VPI table (groups table) having an entry for the working path and protection path of every active VP group
- S\_Node (405) and Broadcast drop bit (404) that indicates if the VPI/VCI's cell should be continued or discarded (column 11 line 66 – column 12 line 13)
- Accessing a relevant entry in the groups table via the 12 bit VPI field (pointer) of a cell when the cell arrives on either the working path or protection path, the relevant entry including a S\_Node (405) and Broadcast drop bit (404) (status value)

- Discarding the cell if the status value is indicative of a discard status or dropping or continuing (forwarding) if the status value is not indicative of a status other than the discard status

- In reference to claim 2

Chan et al. teaches a system and method that covers substantially all limitations of the parent claim. In Figure 4, Chan et al. further teaches maintaining a VCI table (lookup table) for each circuit of each VP/VC group for dropping or continuing (forwarding) cells (column 10 lines 40-47) and dropping or continuing (forwarding) cells as specified by the lookup table.

- In reference to claim 5

Chan et al. teaches a system and method that covers substantially all limitations of the parent claim. In Figure 4, Chan et al. further teaches indexing a 4096X(n) byte table called the VPI table (360) via the 12-bit VPI field of the ATM cell header. (column 10 lines 40-47) The 12-bit VPI field is used as the pointer, therefore the VPI field being 12 bits determines the number of supported groups.

- In reference to claim 8

Chan et al. teaches a system and method that covers substantially all limitations of the parent claim. In Figure 1, Chan et al. teaches the VPI (groups) table implemented in a module (124) of the switching system (100).

- In reference to claim 9

Chan et al. teaches a system and method that covers substantially all limitations of the parent claim. In Figure 4, Chan et al. further teaches a 4096X(n) byte table called the VPI table (360) wherein the number of supported VP/VC groups is in part determined by the size of the groups table. (column 10 lines 40-47)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US 6301254)

- In reference to claim 6

Chan et al. teaches a system and method that covers substantially all limitations of the parent claim.

Chan et al. does not explicitly teach any value of the pointer field other than zero constitutes a valid index into the groups table.

The value of the pointer field depends on the VPI (Virtual Path Identifier) within the ATM cell header. The VPI value must be a validate pointer value to index the groups table.

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It would have been an obvious design choice by one of ordinary skill in the art at the time of the invention to define any set of pointer values including the case where the pointer value set excludes zero to serve as valid index value set to index the group table.

### ***Allowable Subject Matter***

7. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

8. Applicant's argument with respect to claim 1 has been considered but is moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- Anderson et al. (US 5838924) teaches an ATM connection protection switching apparatus and method.
- Sekine et al. (US 2002/0075798) teaches an ATM switching unit in a system with protection and working lines.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Roberts whose telephone number is (571) 272-3095. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BSR  
01/17/2006



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